

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

ELI PORTER, et al.,

Plaintiffs,

vs.

SGT. DERRELL THIGPEN, et al.,

Defendants.

CIVIL ACTION NO.
CV 622-057

NOTICE OF REMOVAL

To: The Judges of the United States District Court for the Southern District of Georgia, Statesboro Division.

COME NOW Defendants, pursuant to U.S.C. §§ 1441 and 1446, within the time prescribed by law, and file this Notice of Removal. Defendants file this notice subject to and without waiving any defenses available to them under state and federal law, including, without limitation, defenses regarding jurisdiction, venue, and service of process, and show this Court the following:

1.

On July 13, 2022, Plaintiffs filed a civil action in the Superior Court of Bulloch County, Georgia styled *Eli Porter, et al., v. Sgt Derrell Thigpen, et al.*, Civil Action Number SUCV2022000145 (“the Action”). Attached hereto as Exhibit 1 is a copy of all process, pleadings, and orders served on Defendants and filed in the Action.

2.

Defendants Matt Sowell, Chris Lacienski, Brent Hammond, Jamay Holloway, Aaron DiGiacomo, Jason Michael Borne, and Brian Kemp were served with a copy of the

Complaint on July 14, 2022. Defendants Derrell Thigpen and Jonathan Malone have not yet been served.

3.

Plaintiffs bring claims under the United States Constitution, alleging retaliation under the First Amendment, unreasonable seizure under the Fourth Amendment, violations of their right to counsel under the Fifth and Sixth Amendments, violations of the Ninth Amendment, and due process and equal protection violations under the Fourteenth Amendment. The action also includes claims under the Georgia Constitution, as well as state law tort claims.

4.

This is a civil rights action that presents federal questions over which this court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331, and questions of state law over which this court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

5.

This action is one that may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441(a) and 1441(c).

6.

This case is properly removed to the Southern District of Georgia, Statesboro Division, because it embraces the place where the action was pending, the Superior Court of Bulloch County, State of Georgia. *See* 28 U.S.C. § 1441(a).

7.

This Notice of Removal is filed within thirty (30) days after the receipt by a Defendant, through service or otherwise, of a copy of the summons and complaint. *See* 28 U.S.C. § 1446(b).

8.

All Defendants who have been properly joined and served consent to and participate in the removal of this matter to federal court.

WHEREFORE, Defendants move that this Notice of Removal be filed, that this action be removed to and proceed in this Court, and that no further proceedings be had in the Superior Court of Bulloch County, State of Georgia.

Respectfully submitted this 4th day of August, 2022.

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Attorneys for Defendants Thigpen, Sowell,
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DiGiacomo, and Kemp

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CERTIFICATE OF SERVICE

I certify that I have this day served the foregoing pleading with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

Jordan Johnson
Jessica Burton
Kevin Gough

I further certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: NONE.

Submitted this 4th day of August, 2022.

/s/ Ellen Cusimano
ELLEN CUSIMANO 844964
Assistant Attorney General